DATE: 02-10-10

<u>COMMITTEE</u>: ZONING COMMITTEE <u>PAGE NUMBER(S)</u>:

ORDINANCE I. D: 10-O-0040 SECTION(S):

RESOLUTION: PARAGRAPH(S):

AMENDMENT:

AMENDS THE LEGISLATION BY ADDING 1 CONDITION

AMENDMENT DONE BY COUNCIL STAFF 2/10/10

City Council Atlanta, Georgia

AN ORDINANCE BY: ZONING COMMITTEE

Z-09-39

Date Filed: 10-13-09

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at 178 McDonough Boulevard, S.E. be changed from the R4A (Single family Residential) District and the C-1-C (Community Business-Conditional) District to the C-1-C (Community Business-Conditional) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 56, 14th District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

<u>SECTION 4.</u> That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

CONDITIONS FOR Z-09-39 for 178 McDonough Boulevard, S.E.

1. The following principal uses shall be prohibited: Pool halls, taverns or bars; Parking structures and lots; Clubs and lodges; Sales and leasing agencies for new or uses passenger automobiles, Selling, servicing and repairing of new or used vehicles or dealing with the disposal of new or used vehicles.

City Council Atlanta, Georgia

10- 0 -0040

AN ORDINANCE BY:

Z-09-39 Date Filed: 10-13-09

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SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

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UTILITY LOCATION NOTE: NOTE "AA" THE LOCATION ON THE UNDERGROUND UTILITIES SHOWN ON THIS SURVEY IS BASED ON PAINT MARKS AND FLAGS PLACED ON THE SURFACE BY THE VARIOUS UTILITY LOCATION SERVICES. THIS SURVEYOR DOES NOT GUARANTEE THE ACCURACY OF THIS INFORMATION. THE LEGAL DESCRIPTION FOR THE JOINING TRACT 14-0056-0003-022 OWNED BY WALTER AARON INCLUDES TAX PARCEL 14-0056-0011. THIS IS A DEEDED OVERLAP ONTO OUR SUBJECT PROPERTY DOES NOT GUARANTEE THE ACCURACY OF THIS INFORMATION. AND SHALL NOT BE HELD LIABLE FOR DAMAGES RESULTING FROM FINDING UTILITIES IN OTHER LOCATIONS OR THE NON- EXISTANCE OF UTILITIES. ALL CONTRACTORS SHALL CALL THE UTILITY LOCATION SERVICE AT 1800-282-741. AT LEAST 73. FILISURVEY HOUSTON OB-00770 ASSERA COUNTUGO STEWNO SITE THAT NEEDS TO BE RESOLVED. 1-800-282-7411 AT LEAST 72 HRS. BEFORE DIGGING. SSMH TOP=1026.79 SITE MAP THREE EXISTING TAX PARCELS GENERAL NOTES: NOT TO SCALE *14-0056-0003-011 ZONED R-4A BELTLINE *14-0056-0003-023 ZONED C-1-C BELTLINE *14-0056-0003-024 THE FIELD DATA USED TO CALCULATE THIS PLAT HAS A CLOSURE PRECISION OF ONE FOOT IN 43,319 FEET AND AN ANGULAR ERROR OF 0" PER ANGLE. TRAVERSE ADJUSTED BY COMPASS PLIE THE FOLIDMENT USED TO BASED ON THE F.I.R.M. PANELS, IT IS MY OPINION THAT THE PROPERTY SHOWN HEREON IS ZONED C-1-C BELTLINE OUTSIDE THE FLOOD HAZARD AREA DEED REFERENCE RULE. THE EQUIPMENT USED TO SEE F.I.R.M. PANEL NO. 1351570359E BOOK 21812/PG. 302 OBTAIN THE LINEAR AND ANGULAR PLAT BOOK 156/PG. 149 MEASUREMENTS WAS A TOPCON GTS 211. THIS PLAT HAS BEEN CALCULATED DATED: 06/22/1998 FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 50,000 N/F RONALD F. PETTY PROPERTY ALL IPS ARE 1/2" DIA RE-BARS DB 44663/PG 82 TAX# 14-0056-0003-026 ZONED RESIDENTIAL-SINGLE FAMILY CONTOUR INTERVALS ARE 2 FEET AL LEGEND ** IRON PIN SET IRON PIN FOUND REINFORCING BAR CHAIN LINK FENCE WOOD FENCE CONCRETE RIGHT-OF-WAY POINT OF BEGINNING OVERHEAD ELECTRIC REINFORCED CONC. PIPE FIRE HYDRANT PROPERTY LINE WATER METER TELEPHONE MANHOLE SANITARY SEWER MANHOLE ** LEGEND ** S 66°34'58″E 38.06'Į IPS IPF RBF SS 14-0056-LAKEWOOD / 0003-024 SANITARY SEWER MANHOLE /TOTAL= POWER POLE 0 624 LIGHT POLE MNS MAG. NAIL SET GAS METER AVE 'STORY ONE BLOCK BUILDING Bureau 1023.19 D SSMH DROP IN FT CONC TOP=1027.20' RA TOP=1020.85 22 CATCH BASIN FILLED WITH DIRT 79 48 04 W MCDONOUGH BLVD. DROP INLET TOP=1020.15' INV.=1013.60' 22 (50'R/W) TOP=1020.81 1/2 SSMH GRANITE CURB GRAPHIC SCALE TOP=1020.30" BELLSOUTH MANHOLE 24" ACP DROP INLET TOP=1020.33 DROP INLET INV.=1014.63 (IN FEET) TOP=1019.97 PROJECT BENCHMARK VISC&G MONUMENT "MILTON" \ INV.=1015.37' 1 inch = 40 ft. BOUNDARY & TOPOGRAPHIC SURVEY FOR: REVISIONS DATE Shanti 04/23/08 inc. AND LOT 56 14th DISTRICT FULTON COUNTY, GEORGIA HOUSTON ENGINEERING, INC 1424 VETERANS DRIVE, CONTERS, GEORGIA 30012 OFFICE (770) 761-1280 FAX (770) 761-1261

Atlanta City Council

REGULAR SESSION

MULTIPLE

09-0-2021,09-0-2022,09-0-2023,09-0-2024 09-0-2025,09-0-2026,09-0-2027,09-0-2028 REFER ZRB/ZONE

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

Y Smith Y Archibong Y Moore Y Mitchell Y Hall Y Fauver Y Martin Y Norwood Y Young Y Shook Y Maddox NV Willis Y Winslow Y Muller Y Sheperd NV Borders

	Refer To	Refer To	
			Referred To: 7 KB 1291EG
			Date Referred A. L. L.
			ľ
	Members	Members	☐ ADVERTISE & REFER
MAYOR'S ACTION	Cited		
	Fav, Adv, Held (see rev. side)	Fav, Adv, Hold (see rev. side)	
	Action	Actions	
	Chair	Chair	
	Date	Date	
	Committee	Committee	
			ICT 7
			NPU-B COUNCIL
	Refer To	Rofer To	APPLICANT: ROBERT W. HOFFMAN
			ulton
			Area: 0.624 acres. Land Lot 56, 14"
			Lakewood. Depth: approximately 199 feet.
			feet from the northwest corner of
			McDonough Boulevard, beginning 122
	Members	Members	approximately 54 feet on the north side of
	Ç.		McDonongh Boulevard, S.F. fronting
	Fav, Adv, Held (see rev. side)	Fav. Adv. Held (see rev. side) Other:	District to the C-1 (Community Business)
	Actions	Actions	C-1-C (Community Business-Conditional)
	Chair	Chair	An Ordinance to rezone from the R4A (Single family Residential) District and the
CERTIFIED	Date	Date	Z-09-39
□Consent □ V Vote □ RC Vote	Committee		
Readings			
□2nd □1st & 2nd □3rd	Large 1	Chair Vinder	
COUNCIL ACTION	1	Committee First Reading	09- ○ -2023